

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 14-2621-JFW (Ex)**

Date: October 21, 2014

Title: John M. Pulos -v- Joseph Sinkule, et al.

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**PRESENT:**

**HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

**Shannon Reilly**  
**Courtroom Deputy**

**None Present**  
**Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFFS:**

None

**ATTORNEYS PRESENT FOR DEFENDANTS:**

None

**PROCEEDINGS (IN CHAMBERS):**

**ORDER TO SHOW CAUSE WHY THIS CASE SHOULD  
NOT BE TRANSFERRED OR DISMISSED**

In the November 29, 2013 Settlement Agreement and Release ("Settlement Agreement") attached as Exhibit D to the Complaint and the First Amended Complaint, the parties agreed that "any dispute concerning the interpretation or application of the terms of this Settlement Agreement . . . will be heard in the United States District Court for the Southern District of New York." Settlement Agreement, ¶ 10. Therefore, venue is improper in this Court. 28 U.S.C. § 1390(a). Unless this defect is waived by Defendant Joseph Sinkule, the Court must dismiss this case or transfer it to the Southern District of New York. 28 U.S.C. § 1406(a); see, e.g., *District No. 1, Pacific Coast District M.E.B.A. v. State of Alaska*, 682 F.2d 797 (9th Cir. 1982).

Accordingly, the parties are ordered to show cause in writing by October 27, 2014 why the Court should not dismiss this action or transfer it to the Southern District of New York. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order to Show Cause will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the dismissal of this action.

IT IS SO ORDERED.